

Appl. No. 10/822,647
Amendment dated: December 7, 2006
Reply to OA of: September 7, 2006

REMARKS

Applicants have amended the claims to more particularly define the invention in view of the outstanding Official Action. Claim 2 has been amended to correct the obvious typographical error of "benzofurane", which now reads "benzofuran". Claim 28 has been added to the present application as original claim 8 amended. Claim 8 has been canceled from the present application in view of the redundancy of the claim. Claims 26 and 27 have been added to the present application to more particularly define the invention. Applicants submit that the newly added claims are fully supported by the specification as originally filed and does not introduce new matter into the present application.

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and clearly patentable over the references of record.

The rejection of claims 1-7, 10, 11, 13, 16, 17, 20, 21, 24 and 25 under 35 U.S.C. 102(b) as being anticipated by Takiguchi has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Applicants wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

In this regard, Takiguchi differs from Applicants presently claimed invention in that R₂ of Takiguchi is an alkyl and R₃ in Applicants present invention is aryl or

Appl. No. 10/822,647
Amendment dated: December 7, 2006
Reply to OA of: September 7, 2006

heterocyclic aryl. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1-7, 9-13, 16, 17, 20, 21 and 23-25 under 35 U.S.C. 102(e) as being anticipated by Hamada has been carefully considered but is most respectfully traversed in view of the amendments to the claims.

Applicants further submit that Hamada's invention differs from Applicants presently claimed invention in that Hamada uses pyridine, quinoline and isoquinoline in the nitrogen-containing heterocyclic group, whereas Applicants exclude pyridine, quinoline and isoquinoline from the presently claimed invention. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Takiguchi as applied to claims 1-7, 10, 11, 13, 16, 17, 20, 21, 24 and 25 has been carefully considered but is most respectfully traversed in view of the above comments with respect to this reference. Accordingly, it is most respectfully requested that this rejection be withdrawn.


The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claims 1-7, 9-13, 16, 17, 20, 21 and 23-25 has been carefully considered but is most respectfully traversed in view of the above comments with respect to this reference. This reference does not overcome the deficiencies of the primary reference as discussed above.

The rejection of claims 14, 15, 18, 19 and 22 under 35 U.S.C. 103(a) as being unpatentable over Hamada as applied to claims 1-7, 9-13, 16, 17, 20, 21 and 23-25 has been carefully considered but is most respectfully traversed in view of the above comments with respect to this reference.

Appl. No. 10/822,647
Amendment dated: December 7, 2006
Reply to OA of: September 7, 2006

In view of the above comments and further amendments to the specification and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080
REF/cjw
A01.wpd
December 7, 2006